

Summary of Public Comments and Departmental Responses for the 2011 Update to the 208 Water Quality Management Plan for the Non-Designated Area of the State

May 13, 2011

During the period from January 14, 2011 to March 14, 2011, comments were received from the following:

Santee-Lynches Regional Council of Governments
Chesterfield County Rural Water Company
Town of Chesterfield
City of Lancaster
City of Florence
Laurens County Water and Sewer Commission
Lancaster County Water and Sewer District
Upstate Forever

In addition to the comments below, the following management agency maps have been added or updated since the public notice period closed:

City of North Augusta (updated)
City of Orangeburg (updated)
Lancaster County Water and Sewer District (added)

Comments submitted by the Santee-Lynches Regional Council of Governments

Comment: The commenter noted that the Santee-Lynches Regional Council of Governments, not the Lowcountry Council of Governments was the sixth Council of Governments to be designated as a planning agency.

Response: The Department has changed the reference to the sixth designated Council of Government on page 6 from the Lowcountry to the Santee-Lynches Regional Council of Governments.

Comment: The commenter pointed out that Sumter County is part of the Santee-Lynches Regional Council of Governments planning area and should therefore no longer be listed as a part of the non-designated area of the State.

Response: The Department has removed Sumter County from all non-designated planning area lists in the Plan.

Comment submitted by the Chesterfield County Rural Water Company and the Town of Chesterfield

Comment: The commenters explained that the Town of Chesterfield no longer operates its wastewater treatment plant as listed in the inventory of NPDES permitted discharges and now pumps its wastewater to the Town of Cheraw for treatment.

Response: Reference to the Town of Chesterfield's wastewater treatment (SC0025232) has been removed from the inventory of NPDES permitted discharges to reflect this change.

Comment submitted by W.K. Dickson & Co., Inc. on behalf of the City of Lancaster

Comment: The commenter requested that the City's management area in Section VII. A. reflect the fact that a portion of the collection system operated and maintained by the City of Lancaster resides outside of the City limits.

Response: The management area description for the City of Lancaster has been changed from "Municipality" to "Municipality and surrounding county area."

Comments submitted by the City of Florence

Comment: The commenter noted that Florence County does not own or operate a wastewater system.

Response: Ownership and/or operation of a wastewater system is not a criteria for management agency status. That said, no treatment provider is listed for Florence County in the management agency descriptions and no treatment facility is listed in the discharger inventory for the County, indicating that the County does not own or operate a sewer collection system or wastewater treatment plant.

Comment: The commenter noted that the City of Florence operates a wastewater collection system that extends beyond its municipal boundaries.

Response: The management area description for the City of Florence has been changed from "Municipality" to "Municipality and surrounding county area."

Comment submitted by the Laurens County Water and Sewer Commission

Comment: The commenter asked if the City of Clinton should be listed as a management agency given that it only operates a sewer collection system and sends their wastewater to for treatment.

Response: Ownership and/or operation of a wastewater system is not a criteria for management agency status. The Laurens County Water and Sewer Commission is listed as the treatment provider for the City of Clinton, indicating that the City only provides sewer collection.

Comments submitted by the Lancaster County Water and Sewer District

Comment: The commenter requested that the Lancaster County Water and Sewer District be added to the list of treatment providers for the County.

Response: The Lancaster County Water and Sewer District be added to the list of treatment providers for the County.

Comment: The commenter explained that in the description of the intergovernmental agreement between the Lancaster County Water and Sewer District and Carolina Water Service, Carolina Water Service treats the District's wastewater, not the other way around.

Response: The agreement summary has been changed to correct this error.

Comments submitted by Upstate Forever

Comment: The commenter requested that the Department include as one of the purposes of the Plan the goal of maintaining wastewater infrastructure needs and that the Plan should explain the process for encouraging facilities to make upgrades that meet current and future collection and treatment needs.

Response: System maintenance is implicit in the management agency definition. The Clean Water Act states that management agencies must have adequate legal authority to design and construct new works and operate and maintain new and existing works as required by the Plan.

In addition, since this concern is not exclusive to the non-designated 208 planning area, the Department will prepare a separate letter to planning and management agencies reminding them of the importance of providing timely upgrades to meet the needs of the area they serve.

Comment: The commenter requested that the Department include as one of the purposes of the Plan the goal of increasing the number of green infrastructure, water and energy efficiency improvements and environmentally innovative projects and include a section that specifically outlines the procedures to implement such a plan.

Response: Through its State Revolving Fund program for wastewater construction, the Department encourages green infrastructure, water and energy efficiency improvements and environmentally innovative projects by issuing low interest loans for projects meeting EPA Green Project Reserve criteria.

Comment: The commenter stated that, given a lack of coordination between regional treatment providers and local governments and planning entities, management agencies should be required to take into account future growth patterns, such as those identified in comprehensive plans, when making expansion, consolidation and elimination decisions as well as decisions regarding the location and sizing of new plants and collection lines

Response: Section 208 required governors to designate regional Council of Governments (COGs) to develop policies for those areas of the State with significant water quality problems, namely areas with significant growth and development. The COGs are therefore best equipped to consider growth in the development of regional water quality policies.

The Department recognizes that, since the since 208 Plans were first developed in South Carolina, several regions in the non-designated area of the State have experienced significant growth and would benefit from more intensive regional planning. The Department has made an effort to reach out to the COGs in those areas in an attempt to designate them as 208 planning agencies. The region served by the most recently designated Santee-Lynches Regional COG is one example of this.

Comment: The commenter requested that the Department recognize the impacts of stormwater on water quality by including as one of the purposes of the Plan the goal of working collaboratively to address the needs of MS4 projects. The Department should also include a section that specifically outlines the procedures to minimize stormwater pollution.

Response: The Department does not perceive unique stormwater issues that need to be addressed in the 208 Plan for the 22 counties in the non-designated area of the state. Efforts to effect fundamental stormwater changes should be addressed through statewide rule making. Entities interested in having input into stormwater program changes are encouraged to track the issuance process of MS4 permits (e.g., small MS4 general permit).

Comment: The commenter suggested that the Plan provide guidance for interstate water quality and quantity issues.

Response: The Department currently has processes in place to address interstate water quality issues as evident in the phosphorous TMDL developed jointly with North Carolina, which addresses State differences in phosphorus standards.

Similarly, the Department is working with stakeholders to draft regulations to implement the Surface Water Withdrawal, Permitting, Use and Reporting Act, which will provide South Carolina with a mechanism for entering into agreements with other states that share its water resources.

The Department also participates in non-regulatory processes to address interstate water quality issues such as the Catawba Bi-State Commission.

Since interstate issues are already addressed through these mechanisms and because interstate issues affect both the designated and non-designated area of the State, the Department feels that it is not necessary to include guidance on this issue in the 208 Plan for the non-designated area of the state.

Comment: The commenter requested that the Plan encourage management agencies to remove conditions that may limit pipe size when replacements are installed. The commenter further clarified that cost is the major factor in limiting pipe size but that funding mechanisms, specifically the State Revolving Fund, limit eligibility for projects considered expansion. These funding limits, in turn, are a barrier to management agencies trying to implement cost-effective projects for the long term. The commenter believes that management agencies should be encouraged or required to take into account growth management when planning maintenance projects and funding mechanisms therefore need to be improved in order to accomplish this.

Response: The State Revolving Fund does allow for increased pipe size for pipe replacement projects. It should be noted that water quality improvement is the goal of the Clean Water State Revolving Fund and projects that achieve this goal are prioritized for funding. Thus, pipe size increases are considered as long as water quality improvement is the primary goal of the project.

Comment: In reference to the onsite wastewater policies, the commenter asked that the term “accessible” be modified so that if annexation is required in order to access sewer infrastructure, sewer is still considered “accessible.”

Response: Section IV.C. reflects an existing Department regulation, 61-56 for Onsite Wastewater Systems, which explicitly states in Section 101 “where annexation or easements to cross adjacent property are required to connect to a wastewater treatment facility, the wastewater treatment facility shall not be considered accessible.” Any changes in the definition of accessible sewer, including any clarification, should be addressed through the regulation development process.

Comment: The commenter requested that the Plan explicitly outline the anti-degradation and anti-backsliding review process for DHEC as it relates to determination of conformance of wastewater projects.

Response: Antibacksliding, including specific exemptions, is addressed in Regulation 61-9, section 122.4(l). Since this issue relates to effluent limitations applicable statewide, it is best addressed through the permitting and/or rule making process, not through the 208 planning process.

Guidance on the relationship between the Department's anti-degradation policy and 208 Plan conformance reviews affect not only the 208 Plan for the non-designated area of the state, but regional plans as well. In order to help ensure consistent application, any guidance should be applicable statewide rather than the 208 Plan for the non-designated area of the state.

Comment: The commenter expressed that making modifications to the 208 Plan is to bring an anticipated project into conformance with the Plan through a plan amendment is not a prudent approach for planning; the Plan should not be changed in order to account for exceptions. Rather, the proposed project should be modified so that it conforms to the Plan as it is written.

Response: The following language has been added to the Plan to clarify the purpose of an amendment:

"Usually the 208 Plan is modified for one of two reasons. One is to comprehensively update the Plan, or a portion of it, to reflect changing conditions or needs. Updates usually cover the entire planning area. The other reason is to enact an amendment that is focused on a particular project. An amendment is usually narrower in scope and based on changing conditions in a smaller area rather than conditions or policies that affect the entire planning region."

Comment: The commenter stated that it is unclear how "cost-effectiveness" is determined for the purpose of alternatives analysis. The commenter encourages the Department to consider the long-term cost-effectiveness of all plan updates and amendments since short-term cost effectiveness may differ greatly from the long-term.

Response: The Department agrees with the commenter and has added the following language to the Plan:

"Cost-effectiveness (e.g., a present worth analysis combined with other factors) should be evaluated on a long-term basis."

Comment: The commenter asked the Department to clarify the criteria for minor amendments to the Plan that states "any proposals DHEC considers minor with regard to water quality effects or stakeholder interest" by providing a clear definition of "minor water quality effects" or "minor impacts to stakeholder interest" and a rationale for the determination of how the Department intends to evaluate such proposal.

Response: Minor amendments are primarily used to document administrative changes to non-controversial projects into the Plan. Minor amendments are typically used to document conversions of wastewater treatment facilities into other basins such as an equalization or storage basins, changes in plant and/or collection system ownership and updates to agreements with or between non-designated management agencies.

Comment: The commenter asked that the Department modify the NPDES permitting process to allow the public sufficient opportunity to be involved throughout the negotiation and permitting process rather than restricting their involvement to comments after the Department and the applicant have agreed on a course of action. In addition, the public should have opportunities to participate in any major or minor revision or change to the WQMP.

Response: NPDES permitting is a statewide issue and is therefore not unique to the non-designated area addressed through this 208 Plan update. However, the Department has made an effort to make the 208 planning process in the non-designated area more transparent by planning to post all major and minor amendments to the Plan on the 208 website. The public will be able to more easily review amendments and appeal the 208 decision if the issue warrants greater public input.

In addition, the Department has the ability to involve the public earlier in the process on a case-by-case basis and continues to work with watershed managers and regional staff to identify issues that may interest the public.

Comment: The commenter requested that the Plan include online maps for the public to view planned wastewater expansions and consolidations.

Response: As a part of the Plan update, the Department has digitized all management agency maps, which will be available through an interactive web application and downloadable in PDF and shapefile format. By definition, management areas include any future sewer service area expansion.

In addition, maps detailing future expansions and consolidations are often included in amendment documentation. As resources allow, the Department plans to supplement the existing online maps with additional ones as they become available.